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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,998	09/07/2006	Christopher Robert Murray Mitchell	A-10188	6780
7590 Martin P Hoffman Hoffman Wasson & Gitler 2461 South Clark Street Crystal Center 2 Suite 522 Arlington, VA 22202			EXAMINER CONLEY, FREDRICK C	
			ART UNIT 3673	PAPER NUMBER
			MAIL DATE 01/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,998	Applicant(s) MITCHELL, CHRISTOPHER ROBERT MURRAY	
	Examiner FREDRICK C. CONLEY	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-54 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 31-54 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/7/06</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,742,960 to Shamir in view of U.S. Pat. No. 6,971,127 to Richards.

Claims 31-33 and 54, Shamir discloses an apparatus for moving or rocking an infant enclosure 12 of the type having legs 18 by which said enclosure is normally supported on an underlying surface, said apparatus comprising a plurality of support means 14 associated with respective said legs, at least one of said support means including or being associated with motion imparting means for imparting a substantially vertical oscillating or reciprocating motion to said enclosure (col. 4 lines 25-30). Shamir fails to disclose a means for selectively actuating said motion imparting means. Richards discloses a means defined by a control system 82 to selectively actuate a motion imparting means in a rocking apparatus having at least one active support means (col. 1-2 lines 57-68 & 1-24). It would have been obvious for one having ordinary skill at the time of the invention to employ a means to selectively actuate said motion imparting means as taught by Richards in order to control movement of the motion imparting means (col. 2 lines 13-14).

Claims 34-35 and 44, Shamir, as modified, discloses the apparatus as claimed in claim 33 wherein others of said support means comprise passive support means 14 and include means defined by arms 42 for facilitating the continuation of motion in the enclosure wherein said means for facilitating the continuation of motion in the enclosure comprise resilient or elastic means (col. 6 lines 2-4).

Claims 36 and 45, Shamir, as modified, discloses the apparatus as claimed in claim 35, but fails to disclose said resilient or elastic means comprising compression springs. Richards discloses a support means comprised of springs 44. It would have been obvious for one having ordinary skill in the art at the time of the invention to employ a support means as taught by Richards in order to provide an added support to the infant support (col. 4 lines 22-27).

Claims 37-38, Shamir, as modified, discloses the apparatus as claimed in claim 31 wherein said motion imparting means of Richards comprises alternative actuators such as a vibratory actuator defined by a pneumatic cylinder or an actuator having a rotatable actuator member defined by a lift screw (col. 8 lines 40-42).

Claims 39-40, Shamir, as modified, discloses the apparatus as claimed in claim 37 wherein said actuator of Richards includes an actuator member (12, 14) adapted to be selectively reciprocated or oscillated to impart a vertical or substantially vertical reciprocating or oscillating motion to the leg of the enclosure associated with the at least one support means wherein said actuator member is oriented in use substantially vertically such as to induce at least a vertical reciprocation or oscillation of the leg of the enclosure associated with the at least one support means.

Claims 41, 47, and 50-53, Shamir, as modified, discloses the apparatus as claimed in claim 40, but fails to disclose that the actuator is a solenoid wherein said actuator member comprises the solenoid coil of the actuator or armature or an extension of the armature of the actuator. Richards discloses employing alternative actuators and it is considered an obvious modification to merely select from a plethora of equivalent actuators. Therefore, it would have been obvious for one having ordinary skill in the art at the time of the invention to employ a solenoid in order to provide an alternative actuator for the rocking apparatus.

Claims 42-43 and 48-49, Shamir discloses the apparatus as claimed in claim 34 wherein said support means comprise support modules on or in which respective legs of the enclosure are supported wherein said support modules include a socket or saddle for receiving a leg of the enclosure (col. 5 lines 22-29).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C. CONLEY whose telephone number is (571)272-7040. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICIA L. ENGLE can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/FREDRICK CONLEY/